

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANT. BAIL APPLICATION NO.2642 OF 2018

1 Rizwan Sharif Patel	
2 Hanif Sharif Patel	
3 Irfan Sharif Patel	... Applicants
Vs	
The State of Maharashtra	... Respondents

...

Mr. Sanjeev Kadam with Mr. Pradeep Jain with Kamlesh Hadkar i/by Mr. Shyamrishi Pathak for the Applicants.
Mr. Y.M.Nakhwa, APP for the Respondent-State.
Mr. Ramesh Tripathi for Intervenor.
API Pravin Pande attached to Koparkhairane P.Stn.
Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 17th DECEMBER, 2019

P.C. :

Pending application, applicant no.2 died.

2 *Applicants are apprehending arrest in Crime No.400 of 2018 registered with Koparkhairane Police Station for the offences punishable under Sections 352, 354, 392 and 504 read with Section 34 of the Indian Penal Code, 1860.*

3 *This Court on 21st December, 2018 by reasoned order, granted interim protection to the applicants on certain terms and conditions. I have no reason to defer with the observations/reasons then recorded.*

4 *Complainant alleged, that, on 6th December, 2018, applicants intimidated, abused her husband and applicant no.1 molested her. She alleged that applicant no.1 robbed her of gold chain. In the complaint, she narrates political rivalry, between her husband and the applicants.*

5 *The subject offence came to be registered on 6th December, 2018 at 23.58 hours; before it, wife of the applicant no.1 had filed complaint against husband of the complainant at 18.30 hours in respect of the incident dated 3rd December, 2018. It is applicants' case that when the alleged incident of molestation had occurred, applicant no.1 was not present in the market, but at the parking slot. It is submitted soon after the incident, applicant had handed*

over evidence to superior police officials, to show his presence at parking slot.

6 *In view of the facts, this Court vide order dated 25th November, 2019, directed the learned APP to sift CCTV footage submitted by the applicants and submit report to the Court. The learned APP on instructions submits on the date of incident at 6.28, applicant no.1 was found present in the parking space/slot. Alleged incident had taken place in the market at 6.30. The learned APP submits the place of the incident and the parking slot are at very short distance. This submission is disputed by the learned counsel for the applicants.*

7 *Also heard the learned counsel for the complainant.*

8 *In view of the facts of the case and complaints and cross-complaints being filed by the parties against each other and also in view of the order dated 21st December, 2018 passed this Court, application is allowed.*

9 *The learned APP submitted, particulars of criminal antecedents against the applicant no.1, being offences Under Sections 353, 143, 149, 504, 506 of the Indian Penal Code, 1860.*

10 *Hence, the following order:*

(i) *In the event of arrest of the applicants in Crime No. 400 of 2018 registered with Koparkhairane Police Station, they shall be released on executing PR bond in the sum of Rs.25,000/- each with one or more sureties in like amount.*

(ii) *Applicant Nos.1 and 3 shall report to the Investigating Officer twice in a month on 2nd and 23rd day commencing from January, 2020 till the charge is framed between 11 a.m. to 1 noon.*

(SANDEEP K. SHINDE, J.)